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STENSON BEGAY V. LIGGETT INDUSTRIES  
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FEDERAL MINE SAFETY & HEALTH REVIEW COMMISSION  
WASHINGTON, D.C.  
March 12, 1991

STENSON BEGAY

v. Docket No. CENT 88-126-D

LIGGETT INDUSTRIES, INC.

BEFORE: Backley, Acting Chairman; Doyle, Holen, and Nelson, Commissioners

ORDER

BY THE COMMISSION:

This discrimination proceeding arising under the Federal Mine Safety and Health Act of 1977, 30 U.S.C. 801 et seq (1988) is on remand to the Commission from an opinion of the United States Court of Appeals for the Tenth Circuit affirming the decision of Commission Administrative Law Judge Roy J. Maurer in this matter. *Liggett Indus. Inc. v. FMSHRC*, \_\_\_ F.2d \_\_\_ No. 89.9546 (January 9, 1991). *aff'g*, 11 FMSHRC 887 (May 1989)(ALJ). (The judge's decision became a final decision of the Commission through operation of the statute. 30 U.S.C. 823(d)(1).) In its decision, the Court indicated that counsel for complainant Stenson Begay had requested the Court to award him attorney fees for legal services rendered in the Court proceedings and had argued to the Court that such fees are statutorily mandated. Slip op. at 7. The Court stated, however, that this "matter should first be considered by the ALJ." *Id.*

In accordance with the Court's order to the Commission, this matter is remanded to Judge Maurer for further appropriate proceedings consistent with the Court's opinion.